

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARRIS COUNTY, TEXAS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-13-2371
	§	
WASTE MANAGEMENT, INC. <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

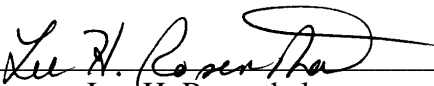
Harris County filed this suit in Texas state court on December 22, 2011, alleging violations of Texas water-pollution statutes. (Docket Entry No. 1, Ex. C-1, Orig. Pet.). On August 14, 2013, defendant International Paper Co., with the consent of the other defendants, filed a notice of removal in this court under 28 U.S.C. § 1446(b)(3). (Docket Entry No. 1). The defendants asserted that because the suit involved challenges to a cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), federal removal jurisdiction under 28 U.S.C. § 1331 was present. The defendants identified the basis of federal jurisdiction as the state-law claims implicating substantial federal questions, *see Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308 (2005), or § 113(b) of CERCLA, 42 U.S.C. § 9613(h).

On August 19, 2013, Harris County moved to remand. (Docket Entry No. 36). Harris County also moved to expedite consideration of its motion, to expedite the briefing schedule, and to postpone the Rule 26(f) conference until after the motion to remand was resolved. On August 20, 2013, Harris County submitted a letter to this court in support of its scheduling motion. International Paper sent a letter in opposition on August 21, 2013.

Based on the pleadings, the motion, and the letters from counsel, this court grants the request for expedited consideration in part and denies it in part. The briefing schedule is expedited. The defendants' response is due by **September 9, 2013**. Harris County may reply no later than **September 20, 2013**. The request to postpone the Rule 26(f) conference is granted. The parties must meet and confer as required by Rule 26(f) within 14 days of this court's ruling on the remand motion.

The motion for expedited consideration is granted in part and denied in part.¹

SIGNED on August 27, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge

¹ On August 26, 2013, Harris County moved to extend Rule 26(f) conference deadline. (Docket Entry No. 43). That motion is moot in light of this court's ruling.